

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
Monday, August 3, 2009

The Yadkin County Board of Commissioners met in Regular Session on Monday, August 3, 2009, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

Chairman Chad Wagoner
Vice Chairman Kevin Austin
Commissioner Tommy Garner
Commissioner David Moxley
Commissioner Brady Wooten

Staff present: County Attorney, James Graham; County Manager, Stan Kiser; and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chairman Wagoner at 9:00am.

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Chairman Wagoner.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

It was suggested that recess precede Board Action in order for Schnabel to prepare equipment for their presentation.

Commissioner Wooten made a motion to approve the agenda with the noted adjustment. Commissioner Moxley second.

Vote: 5/0

PUBLIC COMMENTS

Public Comments portion of the meeting opened at 9:03am. There were no speakers. Public Comments portion of the meeting closed at 9:03am.

APPROVAL OF MINUTES

The following adjustments were requested:

1. Vice Chairman Austin – page 27, 1st paragraph: add a second by Commissioner Wooten
2. Commissioner Moxley – page 28, 2nd paragraph: should read "...potential property may 'be' in a voluntary..."
3. Chairman Wagoner – page 15, 3rd paragraph: should read "... reminded the Board that \$895,000 was 'his' original figure..."

Vice Chairman Austin made a motion to approve the July 6, 2009 Regular Meeting Minutes; July 6, 2009 Closed Session Minutes; July 20, 2009 Regular Meeting Minutes; and the July 20, 2009 Closed Session Minutes with noted adjustments. Commissioner Wooten second.

Vote: 5/0

PUBLIC HEARING

Chairman Wagoner announced that there were no public hearings for today's meeting. However, a public hearing previously set for August 17, 2009 needs to be rescheduled. County Manager Kiser reported that upon further examination, the Farm Preservation Ordinance requires a 30-day notice period prior to the Public Hearing and requires all participants in the Voluntary Agricultural District to receive a letter regarding the change in the ordinance.

Commissioner Wooten made a motion to set a Public Hearing for the Amendment to the Farm Preservation Ordinance for Monday, September 21, 2009 at 7:00pm. Commissioner Moxley second.

Vote: 5/0

BOARD APPOINTMENTS

1. Board of Adjustment

Vice Chairman Austin reported that he had received enthusiastic interest from Steve Brown and Jeff Smith, both of Boonville, for the alternate seat on the Board of Adjustment.

Vice Chairman Austin made a motion to approve the appointment of Jeff Smith to the Board of Adjustment replacing Lowell Todd as an alternate. Commissioner Wooten second.

Vote: 5/0

Chairman Wagoner expressed appreciation for Gilbert Hemric and his willingness to be considered for the Board of Adjustment. Mr. Hemric is currently serving on the Board of Equalization and Review.

2. Planning Board

Commissioner Wooten requested the appointments be addressed individually.

Commissioner Wooten made a motion to approve the appointment of Athalee Dinkins as a full voting member of the Planning Board replacing Charles Holden. Vice Chairman Austin second.

Vote: 5/0

Commissioner Wooten made a motion to approve the reappointment of Mark Hollar to the Planning Board as an alternate. Vice Chairman Austin second.

Vote: 5/0

Vice Chairman Austin suggested that Steve Brown or Gilbert Hemric be considered for the replacement of Athalee Dinkins as an alternate on the Planning Board as they have already been approached for service. Chairman Wagoner asked that these gentlemen be contacted to insure their willingness to serve on the Planning Board as opposed to the Board of Adjustment. This appointment will be readdressed at the next meeting.

3. Yadkin County Public Libraries Board of Trustees

Clerk Brown pointed out that each of the recommended appointees are listed in order of preference by the full Board of Trustees.

Vice Chairman Austin made a motion to appoint Mary Anne Dye to the Yadkin County Public Libraries Board of Trustees representing East Bend. Commissioner Wooten second.

Vote: 5/0

Commissioner Moxley made a motion to appoint Billie Poplin to the Yadkin County Public Libraries Board of Trustees representing the Western District. Commissioner Wooten second. Commissioner Moxley stated that he knew Billie Poplin and believes she is a good choice for this appointment to the Board of Trustees.

Vote: 5/0

Commissioner Garner made a motion to appoint Cindy McMurray to the Yadkin County Public Libraries Board of Trustees representing the Central District. Commissioner Moxley second.

Vote: 5/0

Commissioner Wooten made a motion to appoint Wayne Matthews to the Yadkin County Public Libraries Board of Trustees representing the Eastern District. Commissioner Moxley second.

Vote: 5/0

BOARD REPORTS/REQUESTS

1. David Swann, Executive Director of Crossroads Behavioral Healthcare, appeared before the Board for a mid-year report. Mr. Swann reviewed the Strategic Plan for 2009 - 2012 that had been presented with the agenda. Mr. Swann also presented the 2008-2009 Fiscal Report and data concerning crisis and emergency services. In summary, Mr. Swann reported the following:

- Data includes the 6-year trend of County allocations.
- Crossroads Behavioral Healthcare represents a 3-county Local Management Entity that includes Surry, Iredell, and Yadkin. The service area has a projected population of 270,755.
- 1,365 or 12% of the Yadkin County population received mental health services in 2008-2009.
- The Crossroads annual budget for 2009-2010 has been adopted. The projected budget is \$28,703,125 which represents a decrease from the last fiscal year. Revenue sources include Medicaid Pass-Thru and Cap, LME Service Management Funds, and Direct Care Funds.
- Services include: Access to Care, Mobile Crisis, Residential, Clinical, Substance Abuse, Day/Vocational Services, Supportive Services, Community Alternatives Program, Crisis and Intensive Services, Housing, and Wellness Recovery Action Plan.
- As of June 2009, Crossroads experienced a net loss of \$3,564,698 primarily due to State cuts and an increase in the demand for services.

- Yadkin County had 18,220 mental health visits in 2008-2009 compared to 14,009 in 2007-2008; representing a 23% growth.
- The population estimate for Yadkin County is 14%. When comparing population to state hospital admissions, referrals to mobile crisis, referrals to the Crisis and Recovery Center, and referrals to psychiatric hospitals, the numbers are commensurate with the population. However, emergency department visits are at only 9%, compared to 40% for Surry County and 51% for Iredell.
- Overall state hospital admissions are on a downward trend. Mental health partners are providing more services within the community. Of 24 LMEs in North Carolina, the local LME ranks 2nd or 3rd lowest in hospital admissions.
- Locations for the various services of Crossroads Behavioral Healthcare were noted.
- Crossroads is facilitating the combination of mobile crisis and in-house crisis services through New River Behavioral Healthcare. Combining services is less costly and more efficient for the patient and the provider.
- The Strategic Plan adopted in June 2009 lists these priorities: a) anticipate and prepare for future changes, b) improve effectiveness of crisis response and hospital diversion system, c) develop and enhance recovery-oriented practice in service delivery, d) strengthen and improve the provider network, and e) continue to improve communications between partners and stakeholders.
- There are significant changes anticipated in the area of mental health. There are 3 that will impact Yadkin County: a) changes in community support, b) loss of funding for Level II, III, and IV Group Homes, and c) consolidated case management.

Vice Chairman Austin asked Mr. Swann about the Group Home on Old Stage Road and how State funding would affect its operation. Mr. Swann reported that this Group Home is a Level II and would be at risk if funding is reduced or eliminated. Medicaid and other funding could be affected as well.

Vice Chairman Austin questioned the 23% increase in the number of visits and what factors influenced the increase. Mr. Swann reported that the demand for services and the variety of services offered influenced the number. In addition, Mr. Swann reported that figures are often under-recorded because there are certain figures that the State system cannot capture.

Vice Chairman Austin asked Mr. Swann to address the smaller number of emergency department referrals for Yadkin County. Mr. Swann replied that Yadkin County provides better access to services. Better care is less likely to result in emergency department visits.

When comparing percentages of each county in the LME, Yadkin County numbers appear to be average while Surry County numbers are high. Vice Chairman Austin questioned the relationship of mental health services with current economic conditions. Mr. Swann stated that the economic trend in Surry County over the last 4 or 5 years is possibly a factor. As a result, more uninsured and underinsured middle-class citizens are seeking mental health services.

Chairman Wagoner thanked Mr. Swann for his appearance today and offered that Yadkin County and the surrounding counties are lucky to have Mr. Swann in this capacity.

2. Bobby Todd, Director of the Yadkin Chamber of Commerce, appeared before the Board for a monthly update on economic development and tourism. In summary, Mr. Todd reported the following:

- July was a good month for tourism.
- Vineyard tours are being marketed through the Chamber office.
- The Cascade Highland Tourism Initiative continues to work on their marketing strategy which includes a website, maps, and brochures.
- Development of the Boone Trail continues. The plan is to connect the Tennessee and Kentucky trails with North Carolina.
- The Tourism Development Authority has a new expanded map at print.

On a separate note, Mr. Todd reported that Forbush High School and Forbush Elementary were both recently awarded a national championship in Hunter Safety.

- The final report from the Duke Energy Foundation regarding the recent Site Development Program should be received soon. Mr. Todd reported that this was a great exercise allowing a focus on the strength and weaknesses of the area. The Economic Development Council will continue the site development with geo-tech services, environmental study, and the pursuit of grant funds.
- Nonni's continues to develop their operation. Certain lines will start in September.
- Requests for new projects are down. This trend may be regional.
- The unoccupied Unifi T3 building and distribution center are back on the market. There was one visitor earlier in the month.
- The Economic Development Partnership began operation on July 1. There have been no issues.
- The unemployment rate for Yadkin County is down 0.7% to 10.6%. This is slightly lower than neighboring counties.

Vice Chairman Austin asked Mr. Todd to confirm that an increase in the unemployment rate is typical for this time of year and stated that a decline of any amount is welcome.

Commissioner Wooten asked for updates on Bepco. Mr. Todd reported that Bepco remains committed and still intends to locate all operations in Yadkin County. Though the economy has not been kind, all warehousing is now located here as well as a spill line. The number of employees has dropped to approximately 80. Of those, 30 or more are local.

Chairman Wagoner called for a recess at 10:03am. Meeting resumed at 10:15am.

BOARD ACTION

Randy Darden of JJ&G appeared before the Board. Mr. Darden thanked the representatives of Schnabel Engineering for visiting today with updates on the construction and budget of the 5D Reservoir Project. Mr. Darden introduced Tom Fitzgerald and Don Basinger of Schnabel Engineering.

Tom Fitzgerald presented a PowerPoint slide show of construction thus far on the 5D Reservoir Site. Construction included the clearing of land and debris, excavation, the diversion channel, and the foundation for the dam. Mr. Fitzgerald reported that the roller compacted concrete has been postponed until fall due to high temperatures. The construction completion date is September 2010. However, Mr. Fitzgerald noted that the construction is moving exceedingly well, and anticipates an actual completion in spring 2010.

Regarding the 5D budget, Mr. Fitzgerald reported that costs on excavation were greater than expected. Earth fill and roller compacted concrete costs will also increase. Other small increases and decreases will balance out. The anticipated use of contingency funds is \$500,000-\$700,000 of the \$2.5 million.

Change Order #4 reflects the cost of developing a new grout mix. This new mix is technically required and there is no current line item for this expense. There should, however, be an overall savings of \$24,000 on grouting.

Mr. Darden acknowledged that the project is going very well and assured the Board that Tom Fitzgerald is looking after the County's best interest. Mr. Fitzgerald reported that the greatest risk factors are in the foundation. Once the foundation is complete, all other specifications should be in order. Commissioner Wooten asked if the contingency figures noted earlier included the mediation with Haymes Brothers. Mr. Fitzgerald replied that mediation costs were not included in his earlier figures. Mr. Don Basinger added that contingency funds are in place for issues such as these.

Mr. Darden reported that additional tours of the 5D site are available for those that were unable to attend the recent tour. Mr. Fitzgerald stated that he would be happy to give periodic updates to the Board at their request. Vice Chairman Austin thanked the Schnabel representatives for their presentation and stated that it was a great update.

Vice Chairman Austin made a motion to approve Change Order #4 for the development of a stable grout mix and the drilling of additional holes.

Commissioner Wooten second.

Vote: 5/0

[Change Order #4 for the 5D Reservoir Project is attached as Addendum A]

CALENDAR NOTES

Chairman Wagoner briefly reviewed the calendar items. Chairman Wagoner asked if it would be acceptable to move the a.m. meeting of September to Wednesday, September 9, 2009. The Board agreed to set the morning meeting of September for Wednesday, September 9, 2009 at 9:00am.

MANAGER REPORTS/COMMENTS

County Manager Kiser reported the following:

1. A budget amendment for the soil remediation at the EMS Station on Cherry Street was presented in the amount of \$20,000. Although County Manager Kiser has the authority to approve this amount, these funds must be appropriated from the fund balance which requires Board approval.

Commissioner Wooten made a motion to approve the budget amendment for Public Buildings regarding the soil remediation at the EMS Station.

Commissioner Garner second.

Vote: 5/0

[Budget Amendment for Public Buildings regarding Soil Remediation at EMS Station is attached as Addendum B]

2. County Manager Kiser has a meeting with Town Manager, Ken Larking on Tuesday, August 4, 2009 regarding the public parking lot owned by the Town. County Manager Kiser will inform the Board of the outcome.

3. Staff of the Environmental Health Department reported black mold in the ceiling of their office. The area was inspected. Rather than mold, maintenance staff found that the insulation had a black paper backing that was damp from condensation.

4. County Manager Kiser asked Brent Hawks, EMS Director to address pending contracts. Mr. Hawks reported that he was able to renegotiate the contract with EMS Management and Consultants at the request of the Board. The contract lowers the collection percentage to 8% for a 4-year term.

In addition, EMS staff has identified a software package that will ease their reporting requirements. Yadkin and 4 surrounding counties researched potential software and 4 of the 5 chose ESO Solutions. The programming is faster and easier to use. ESO Solutions offers real-time reporting which will allow quicker billing. EMS Management and Consultants feels that this efficiency will increase the accounts receivable. In fact, EMS Management and Consultants is so confident that this software is more efficient; EMS Management and Consultants will cover 44% of the cost. This subscription agreement has no upfront cost, involves no new money, and will actually save County dollars. Attorney Graham has reviewed both contracts and has reported no concerns.

Board members questioned the training requirements for the use of this software. Mr. Hawks reported that ESO Solutions will be providing 3 training sessions August 24, 2009. Mr. Hawks, Mr. Keith Vestal, and various

supervisors will provide the appropriate training for new employees as they are hired. Commissioner Wooten asked Mr. Hawks if any negatives had been identified. Mr. Hawks has not discovered any negatives with the software or with ESO Solutions. Mr. Hawks further reported that the current equipment is adequate for the software and will require no upgrades.

Commissioner Wooten made a motion to approve the contract with EMS Management and Consultants for billing and ESO Solutions for electronic patient care reporting services. Commissioner Garner second.

Vote: 5/0

[EMS Management and Consultants Contract and ESO Solutions Contract are attached as Addendum C]

5. Dixon-Hughes, the auditors for Hoots Hospital, requested confirmation that \$200,000 remains in the County budget to offset hospital losses. Further discussion with Hoots Hospital and Baptist Hospital will determine the appropriation of these funds.

COMMISSIONER COMMENTS

Commissioner Wooten had these additional comments:

1. Commissioner Wooten had this report from a recent PART meeting:
 - PART will be receiving stimulus funds. A portion of these funds will be used to increase the number of park and ride lots, routes, and buses.
 - At the current spending level, the fund balance will be depleted in 4 years or fewer. An additional revenue source must be identified.
 - There is a proposal before the State Legislature to allow counties the option of adding \$0.0025 or \$0.005 sales tax to fund regional transportation needs. The proposal is expected to fail.
 - There is a serious movement to shift the responsibility of secondary roads from the State DOT to the counties. DOT is already making preliminary arrangements for the transfer. This could be an issue in the next short session of the Legislature.
 - PART ridership increased by 10.9% from May to June. The number of passengers increased to 38,225.

Vice Chairman Austin asked Commissioner Wooten if secondary road maintenance would require the County to purchase and maintain road equipment and pavers and retain transportation employees. Commissioner Wooten feels that this proposal will require the County to maintain its own transportation department. Further, County Manager Kiser asked if the County would be accountable to a State DOT Board or would establish its own. Commissioner Wooten stated that these questions have not yet been addressed but will update the Board as information is made available.

2. Commissioner Wooten referred to a page in a recent National Association of Counties (NACo) publication. NACo is asking all counties to adopt a resolution supporting health reform. Federal health reform is identified in the article. House Bill 3200 is now before the US Congress. Though House Bill 3200 contains a few beneficial proposals, a large number of the proposals are unfavorable. Commissioner Wooten reviewed the following proposals from House Bill 3200:

Page 22- Mandates audit of employees that self-insure.

Page 29- Healthcare is rationed.

Page 59- Federal Government will have access to all individual bank accounts for electronic transfer.

Page 195- Officers and employees of the government will have access to all American financial and personal records with the right to withdraw money from an individual's account. Citizens will be required to provide the information.

Page 272- Treatment for cancer patients will be rationed.

Page 317- Doctors cannot own or invest in healthcare companies.

Page 354- Government will restrict the enrollment of special needs individuals.

Page 427- Government mandates a program that orders end-of-life treatment.

Page 429- Government will dictate how life ends.

Page 489- Government will cover marriage and family therapy.

Page 494- Government will define, create, and ration mental health services.

Also notable:

Page 203- The tax imposed by this legislation will not be treated as a tax.

Commissioner Wooten made a motion directing County Manager Kiser to draft a letter to NACo expressing the Board's displeasure at this type of healthcare system, stating that the Board will not support a resolution in this regard, and stating that if NACo continues to pursue this support, Yadkin County may consider withdrawing its membership from the NACo organization. Vice Chairman Austin second. Vice Chairman Austin asked if Yadkin County had been contacted directly by NACo. Chairman Wagoner commented that the Board should not be proactively negative or critical. Vice Chairman Austin stated that House Bill 3200 is a "moving target" and that it may be too early to take a stand at this point. Commissioner Wooten noted that Yadkin County is a member of NACo and asked Board members if it was appropriate for NACo to pursue this issue without the support of the membership. Commissioner Wooten feels that the proposed healthcare reform will result in many layers of government, various committees, and tremendous cost to the American taxpayer. Vice Chairman Austin stated that he resents Yadkin County being used as a pawn in this issue and is surprised that NACo would support legislation that is not in the best interest of the citizens. The Board agreed that it is not the appropriate time to contact NACo on this issue.

Chairman Wagoner made a substitute motion to table, indefinitely, the previous motion of Commissioner Wooten. Commissioner Garner second.

To Accept the Substitute Motion – Vote: 5/0

To Approve the Substitute Motion – Vote: 5/0

Commissioner Wooten's motion and Vice Chairman Austin's second directing County Manager Kiser to draft a letter to NACo expressing the Board's displeasure at this type of healthcare system, stating that the Board will not support a resolution in this regard, and stating that if NACo continues to pursue this support, Yadkin County may consider withdrawing its membership from the NACo organization is tabled until re-addressed.

Commissioner Moxley had this additional comment:

Regarding the earlier statement from Bobby Todd, Commissioner Moxley acknowledged the National Championships in Hunter Safety for the Forbush Elementary School Team and the Forbush High School Team. Forbush High School Hunter Safety Team has won 6 national championships. This team also

has 2 second place finishes and 2 third place finishes in its long history. Forbush Elementary School Hunter Safety Team has won 5 national championships under the leadership of Tommy Hughes. This recognition means a great deal to these students and the community support is much appreciated.

On a similar note, Chairman Wagoner remarked that he has pleaded with the local news media to provide more coverage of the non-traditional sports. A past issue of *Wildlife in North Carolina* featured an article on the Forbush Hunter Safety Teams and named Commissioner Moxley throughout the piece. Traditional sports such as basketball, baseball, and football are highly visible in Yadkin County, but a nationally recognized team such as the Hunter Safety Team, should receive its fair amount of exposure. Leanne Cloudman, representing *The Yadkin Ripple* agreed to share this suggestion with the sports editor.

Commissioner Garner had this additional comment:

Regarding the proposed House Bill 3200, Commissioner Garner stated that the end-of-life legislation does not represent a great change in healthcare. Individuals will still have the ability to develop a living will and families will have a choice. Commissioner Garner stated that any action on healthcare reform, pro or con, would be premature at this time.

Vice Chairman Austin had these additional comments:

Vice Chairman Austin offered his congratulations to the Hunter Safety Teams of Forbush High School and Forbush Elementary School. Vice Chairman Austin also offered well wishes for Tommy Hughes, Director of the Forbush Elementary School Hunter Safety Team. Mr. Hughes experienced some medical issues while at the recent competition in New Mexico.

Chairman Wagoner had no additional comments at this time.

Attorney Graham had no additional items for discussion at this time.

Commissioner Wooten made a motion to enter a Closed Session for consultation with attorney per NCGS 143-318.11 (a) (3). Commissioner Moxley second.

Vote: 5/0

Commissioner Garner made a motion to end the Closed Session. Commissioner Moxley second.

Vote: 5/0

Vice Chairman Austin made a motion to adjourn. Commissioner Wooten second.

Vote: 5/0

Meeting adjourned at 11:35am.

Prepared by Clerk to the Board

Date Approved by the
Yadkin County Board of Commissioners